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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 26.2.A41/B/USA

In re Application of: )  
Jackie R. Gust et al. )  
Serial No. 09/480,044 )  
Filed 01/10/2000 ) Group Art Unit  
For ELECTRIC DRIVE ) Examiner  
RIDING MOWER )

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicants wish to bring the prior art references listed on the attached Form PTO/SB/08A to the attention of the Patent and Trademark Office. These prior art patents, in combination with the prior art patents already of record, raise questions under 35 USC 103 about the patentability of the proposed Counts A and B of the Request for Interference dated 10/26/2001. The 103 patentability questions raised by the prior art patents are in addition to the 102 questions raised by the Unique Mobility/Toro prototype mower. **The PTO should consider whether alternative 102 and 103 rejections are warranted.**

Before reviewing the newly cited prior art patents, the Applicants wish to specifically review two prior art patents of record, namely U.S. Patent 2,057,417 to Clapper and U.S.

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**Patent 5,406,778 to Lamb**, both of which are summarized in the Background of the Invention of the above-identified patent application. Figs. 12 and 13 of Clapper show cutting reels on a riding mower that are electrically powered from a generator driven by the mower's engine. Lamb shows a battery operated mower where both the traction drive and the cutting reels are electrically driven from batteries only.

The prior art patents newly cited herein may be briefly summarized as follows:

**U.S. Patent 4,113,045 to Downing, Jr.** discloses a mower in Fig. 4 in which the cutting blades 86, 88, 90 and 92 are driven by electric motors 78, 80, 82 and 84 and the traction wheels are driven by electric wheel motors 22. In this application, **all the electric motors are A.C. motors electrically driven by an alternator 16 driven by a prime mover 12.** No batteries are specifically disclosed in Downing.

**Published Japanese Patent Application 4-166475 to Fujihara** discloses a riding mower having electric motors 7 for driving the traction wheels 8. The electric motors 7 receive electricity from a battery 12 carried on the mower. The mower also includes an internal combustion engine 1 that directly drives the cutting blade 4. There is no electric drive to cutting blade 4.

While no connection is specifically shown in Fujihara between engine 1 and battery 12, mowers of this type having **both an engine and a battery**, such as mowers with electric starters, would almost always use an alternator on the engine to recharge the battery during operation of the engine. Thus, given this typical arrangement of having the engine recharge the battery where both are present on a mower, **one could reasonably find that Fujihara discloses to one of ordinary skill in the mower art the use of a hybrid electric drive where both an alternator and battery together**

power the electric motors 7 connected to the traction wheels 8.

Copies of both Downing and Fujihara as well as a complete translation of Fujihara into English are enclosed herewith.

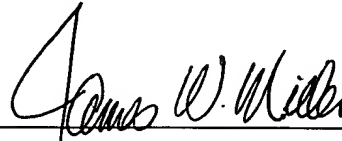
It is respectfully requested that the PTO consider the patentability of Counts A and B of the Request for Interference dated 10/26/2001 **in view of Clapper, Lamb, Downing and Fujihara** as well as the other prior art patents of record or that may be hereafter cited by the PTO. There is no administrative economy in continuing to a decision on the Request for Interference or in devoting the resources needed for an Interference if Counts A and B are not patentable.

In addition, the potential application of the Unique Mobility/Toro prototype mower to Counts A and B must also be decided by the PTO **independently of the questions raised by the prior art patents**. In this regard, note the accompanying paper entitled SUBMISSION OF DVD CONTAINING UNIQUE MOBILITY SUMMER 1989 VIDEOTAPE.

The Applicant wishes to have the prior art contained in this Supplemental Information Disclosure Statement considered even though such Statement is being submitted after the first Office Action. Accordingly, please charge the \$180 fee for submission of this Supplemental Information Disclosure Statement and any other fees that may be due on account of such submission, or credit any overpayment, to

Deposit Account No. 20-1315 of The Toro Company.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James W. Miller", is written over a horizontal line.

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